

1. On February 26, 1990, Pearl filed an application to make a minor change in the facilities of Station WKKJ. Two days later, GNB filed a petition to add Channel 227A at New Washington. Because of spacing requirements, the allotment of Channel 227A at New Washington would preclude the changes that Pearl sought to make in Station WKKJ's facilities.

2. Pearl subsequently filed a counterproposal to GNB's petition in which Pearl proposed to relocate Station WKKJ to Reynoldsburg, Ohio and allot new FM channels at Forest, Ohio and Peebles, Ohio. Along with its counterproposal, Pearl submitted the declaration of Thomas P. Gammon, an officer, director, and shareholder of Pearl, in which Mr. Gammon affirmed, under penalty of perjury, that Pearl or a successor entity would apply for and construct, if authorized, the proposed Forest and Peebles stations in the event Pearl's counterproposal were adopted by the Commission.

3. GNB responded to Pearl's counterproposal by branding Mr. Gammon's commitment to apply for and build the Forest and Peebles stations "inherently unbelievable, illusory, and disingenuous."^{1/} In contrast, GNB asserted that its New Washington proposal "was made independent of any other application, allocation, or plan" and that "GNB's is a good faith proposal . . . by a proponent who will fulfill its commitments."^{2/} Recent events, however, cast considerable doubt on GNB's assurances about its motives and plans.

4. In MM Docket No. 90-510, the Commission proposed the substitution of Channel 224B1 for Channel 224A at Taylorville, Illinois, or the allotment of Channel 223A to Virginia, Illinois. The channel substitution at Taylorville had been requested by USA Radio Corporation ("USA Radio") in connection with its proposal to upgrade Station

^{1/} Reply to Comments and Counterproposal, filed by GNB in MM Docket No. 90-318 on October 30, 1990, at p. 9.

^{2/} Id. at p. 12.

WTJY(FM). Subsequent to the filing of USA Radio's rule making petition, however, Panther Creek Communications ("Panther") requested the allotment of Channel 223A to Virginia. Those proposals were mutually-exclusive.

5. On July 12, 1991, USA Radio filed a Motion for Expedited Processing of the proposals involved in MM Docket No. 90-510. In this Motion, USA Radio presented substantial reasons to believe that Panther was in fact Saga Communications of Illinois, Inc., the licensee of Station WYMG(FM), Jacksonville, Illinois, and another Saga subsidiary, and that Panther's requested Virginia allotment had been proposed merely to block USA Radio's plan to upgrade Station WTJY and thereby to prevent Station WTJY from competing against Station WYMG in the Springfield, Illinois market.^{3/}

6. On July 29, 1991, Panther responded to USA Radio's motion. Panther admitted that it was nothing more than Saga's nom de plume, but insisted that its request to allot Channel 223A to Virginia was genuine, was filed without knowledge of USA Radio's upgrade proposal, and was completely proper and consistent with Saga's past business practices.^{4/} In its reply to Panther's comments, however, USA Radio presented evidence which raises substantial questions about those claims. In particular, USA Radio identified several other cases involving filings that were remarkably similar to the Saga/Panther rule making petition in MM Docket No. 90-510. The following were included among those cases:

-- Walnut Point Broadcasters ("Walnut Point") was the proponent of the allotment of Channel 300A at Arcola, Illinois. USA Radio

^{3/} See Motion for Expedited Processing filed by USA Radio in MM Docket No. 90-510 on July 12, 1991.

^{4/} See Panther Creek Communications' Comments on Motion for Expedited Processing filed in MM Docket No. 90-510 on July 29, 1991.

pointed out that Walnut Point's rule making petition was filed immediately after the release of the Report and Order in Docket 86-252, which identified Channel 300A as a channel that could be used in the Urbana/Champaign market. Saga is the owner of Station WLRW(FM), Champaign, Illinois, so the use of Channel 300A at Arcola eliminated a potential competitor of that station. Walnut Point's counsel was the same as the counsel used by Saga, Panther, and GNB. Compare Exhibits A, B, and C attached hereto with Exhibit D attached hereto. Significantly, Walnut Point failed to file an application for Channel 300A after it caused the Commission to allot that channel at Arcola in MM Docket No. 90-197.

- Iowa Bible Study Group ("IBSG") has requested the allotment of a new FM channel at Melcher-Dallas, Iowa, in MM Docket No. 89-264. USA Radio noted that the proposed allotment is on a channel with minimum spacing to Station KLVN, Newton, Iowa, and a Class A FM allotment that was then proposed for Winterset, Iowa. Both Newton and Winterset are in close proximity to Des Moines, Iowa, and IBSG's proposed channel allotment precluded future improvements which could have made the stations in those communities competitive in the Des Moines market. Saga is the owner of Stations KRNT/KRNQ, Des Moines. IBSG's counsel is also the same as the counsel used by Saga, Panther and GNB. Compare Exhibits A, B, and C attached hereto with Exhibit E attached hereto.

7. Similarly, in MM Docket No. 90-523, Farm to Market Radio ("FMR") filed a counterproposal to the proposal to change the channel of Station WESZ, Lincoln, Illinois, from 261A to 230A. If Station WESZ were authorized to operate on Channel 230A, the station could increase its effective radiated power to 6 kW and compete in the Springfield market against Saga-owned Station WYMG. FMR's counterproposal, however, neatly forestalls that potential competition. Once again, FMR's counsel is the same as the counsel used by Saga, Panther and GNB. Compare Exhibits A, B, and C attached hereto with Exhibit F attached hereto.

8. In each of the four cases described above, an entity with no identified principals requested an allotment for a small, out-of-the way community, and that allotment just happened to block potential new stations or service upgrades that would increase competition in markets where Saga owns stations. The same pattern has been repeated here. Pearl's proposed improvements in Station WKKJ's facilities would enable that station to compete against Saga-owned Stations WVKO/WSNY in the Columbus market. The adoption of GNB's proposal, however, would effectively prevent such competition.^{5/} Like Walnut Point, IBSG, FMR, and -- prior to USA Radio's filing -- Panther, GNB has no identified principals and no apparent connection to New Washington. Further, all five of those entities share common counsel.^{6/}

9. Pearl submits that the similarities among the proposals made by Saga/Panther, Walnut Point, IBSG, FMR, and GNB are simply too great to be dismissed as mere coincidence. In fact, because Saga has now admitted that its principals are the

^{5/} The fact that Pearl's and GNB's proposals were filed contemporaneously has no significance in this connection. Saga could easily have performed the same engineering studies as Pearl did, and thereby anticipated that Pearl would attempt to improve Station WKKJ's facilities to compete more effectively in Columbus.

^{6/} Saga, Panther, GNB and FMR not only use the same legal counsel, but also the same consulting engineer. See Exhibits A, B, C, and F attached hereto.

same as Panther's principals, it is reasonable to believe that Walnut Point, IBSG, FMR, and GNB are likewise controlled by Saga or acting at Saga's direction. While it is true, as Saga/Panther has pointed out,^{7/} that the proponent of a new channel allotment is not required to disclose its principals, such an omission means that there is no one to hold accountable in the event the proponent fails to abide by its commitment to apply for the requested channel allotment if made. Thus, in Docket 90-197, Walnut Point secured the allotment of Channel 300A to a community outside the Champaign/Urbana market, and then vanished like the Cheshire Cat, leaving nothing behind but a grin.^{8/}

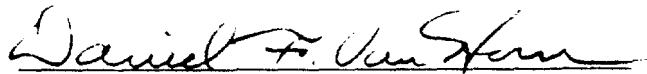
10. Pearl obviously lacks access to the direct evidence that would be needed to prove that Saga/Panther, Walnut Point, IBSG, FMR, and GNB are all linked in scheme to protect Saga-owned stations from new competition. Nevertheless, Pearl submits that the circumstantial evidence, coupled with Saga/Panther's admission in MM Docket No. 90-510 warrants Commission attention. Accordingly, Pearl requests that the Commission direct GNB (i) to disclose what if any connection it or its principals now has and has ever had with Saga, Walnut Point, IBSG, and FMR, (ii) to reveal whether Saga's principals directed or participated in any manner in GNB's proposal to allot an FM channel at New Washington, (iii) to state whether GNB's proposal was primarily motivated by a desire to prevent potential competition against radio stations owned by Saga, and (iv) whether Saga's principals are also principals in GNB, Walnut Point, IBSG,

7/ See Panther Creek Communications' Comments on Motion for Expedited Processing filed in MM Docket No. 90-510 on July 29, 1991, at p. 6.

8/ In contrast, Mr. Gammon is well-known as a principal of several broadcast licensees besides Pearl. Thus, if Pearl or a successor entity fails to apply for the Forest or Peebles stations, as Mr. Gammon has promised, it will be a simple matter for the Commission to impose an appropriate sanction. GNB, on the other hand, is nothing more than a name, and can no more be held accountable for the failure to fulfill its promises than can Walnut Point for its failure to apply for its requested channel allotment in MM Docket No. 90-197. Consequently, Pearl's proposals for Forest and Peebles are far more credible and substantial than GNB's proposal for New Washington.

or FMR as they have admitted they are in Panther. If GNB fails to demonstrate in its response that GNB's rule making petition is in fact a bona fide proposal that was made independent of Saga, then the Commission should strike all of GNB's pleadings in this proceeding and give no further consideration to GNB's proposed New Washington allotment.

Respectfully submitted,


Daniel F. Van Horn

Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339
(202) 857-6030

Counsel for Pearl Broadcasting, Inc.

October 2, 1991

TRL Broadcasting Company
Opposition to Petition for Reconsideration
and Motion for Stay
May 8, 1998

EXHIBIT 5



Federal Communications Commission
Washington, D.C. 20554

NOV 06 1996

Henry E. Crawford, Esq.
Suite 900
1150 Connecticut Avenue, N.W.
Washington, D.C. 20036

Dear Mr. Crawford:

This is in response to the petition for rule making that you filed on behalf of Amelia Broadcasting Company of Louisiana, requesting the allotment of Channel 249A at Amelia, Louisiana.

Your request is unacceptable for consideration. An engineering analysis indicates that your proposal does not comply with the city grade coverage requirements of Section 73.315 of the Commission's Rules. Our technical review disclosed that city grade coverage would not be provided to the entire community of Amelia using coordinates from the closest available site (29-31-12 North Latitude and 91-04-35 West Longitude).

In view of the above, we are returning your petition for rule making.

Sincerely,

A handwritten signature in dark ink, which appears to read "John A. Karousos", is written over a horizontal line.

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Enclosures

TRL Broadcasting Company
Opposition to Petition for Reconsideration
and Motion for Stay
May 8, 1998

EXHIBIT 6

RECEIVED

OCT 31 1996

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 90-318
Table of Allotments,)	RM-7311
FM Broadcast Stations.)	RM-7516
(Chillicothe, Forest, Lima,)	
New Washington, Peebles, and)	
Reynoldsburg, Ohio))	

To: Chief, Policy and Rules Division

OPPOSITION TO PETITION FOR RECONSIDERATION

Ingleside Radio, Inc. (Ingleside), licensee of WWCD(FM), Channel 266A, Grove City, OH, by its attorneys and pursuant to 47 C.F.R. § 1.429(f), opposes the Petition for Reconsideration filed by Pearl Broadcasting, Inc. (Pearl) of the Report and Order in the captioned proceeding released August 20, 1996, denying Pearl's counterproposal to reallocate Channel 227B from Chillicothe, OH, to Reynoldsburg, OH, and to modify the license of Pearl's station WKKJ(FM) accordingly.¹ Ingleside became the licensee of WWCD(FM) subsequent to completion of the initial pleading cycle, and it has not previously participated in this proceeding.

1. This opposition is timely filed on the date specified in 61 F.R. 53923 (October 16, 1996).

1. Pearl's arguments on reconsideration have been fully considered.

Reconsideration is justified only when petitioners present new facts not previously known and which could not have been discovered with reasonable diligence. Pearl's Petition for Reconsideration does not qualify. Population differences between the 1980 and the 1990 U.S. Census do not provide a basis to change the FCC's wholly appropriate result denying the move in of a Class B FM channel from Chillicothe, OH, 45 miles south of Columbus, OH, to Reynoldsburg, OH, a nearby suburb of Columbus. Chillicothe is outside the Columbus Metropolitan Statistical Area (MSA) designated by the U.S. Office of Management and Budget in 1992, and Reynoldsburg is not. Reynoldsburg is part of the Columbus Urbanized Area.

2. Pearl has wholly failed to meet its burden under *Huntington* to justify such a dramatic move in.² Reynoldsburg may be a candidate for a local Class A allotment. That, however, is not what is involved in this proceeding. Here we have a Class B channel reallocation which compels an inference that the Columbus MSA is the target of Pearl's efforts.

3. Pearl claims support for its move in because of improvement in the grandfathered short spacing between Pearl's WKKJ(FM) and WAKW(FM), Cincinnati, OH. This is bootstrapping pure and simple. If that grandfathered short spacing did not exist, the move in Pearl proposes would not get off the ground. Pearl

2. *Huntington Broadcasting Co. v. FCC*, 192 F.2d 33 (D.C. Cir. 1951). This venerable yet viable precedent concluded as the FCC notes in its Report and Order in this proceeding, that Richmond, CA, was not entitled to first local service preference because it is dependent upon and separate from San Francisco. Richmond is 20 miles by road from San Francisco across San Francisco Bay, while Reynoldsburg is less than 10 miles from downtown Columbus. This record is already made on Reynoldsburg in this proceeding, and we will not embellish it further.

might have an argument if it proposed to relocate to a community significantly further away from Cincinnati. While we don't fault reductions in short spacings, the fact is that the short spacing between WKKJ(FM) and WAKW(FM) would only be reduced by 14.5 % [105.7 km (65.7 mi.) to 90.4 km (56.2 mi.)] with the move in to Reynoldsburg.

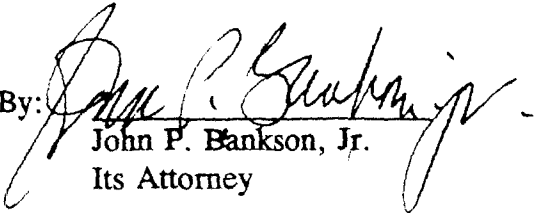
4. Pearl cites an FM channel allotment proceeding decided in July which, *inter alia*, included the reallocation of Channel 234 from Carson City, NV, to Fair Oaks, CA, in the Sacramento Urbanized Area.³ Pearl fails to mention the fact that Fair Oaks did not receive a first local service preference under 47 U.S.C. § 307(b). Such a preference is fundamental to the move in of Channel 227B from Chillicothe to Reynoldsburg. The change was authorized in the Fair Oaks proceeding to accommodate other channel changes. There are no channel changes to be accommodated from the Pearl move in from Chillicothe to Reynoldsburg. All of the other allotments that were once part of this proceeding have fallen by the wayside: (1) Channel 227A, Washington, OH; (2) Channel 226A, Forest, OH; and (3) Channel 226A, Peebles, OH.

3. Second Report and Order in MM Docket No. 90-198, DA 96-1109 released July 12, 1996.

Pearl has not met its burden to justify the Channel 227B move in from Chillicothe to Reynoldsburg in the Columbus MSA and the Report and Order in the captioned proceeding released August 20, 1996, should be reaffirmed.

Respectfully submitted,

INGLESIDE RADIO INC.

By: 
John P. Bankson, Jr.
Its Attorney

Drinker, Biddle & Reath
Suite 900
901 15th Street, N.W.
Washington, D.C. 20005
(202) 842-8806

October 31, 1996

CERTIFICATE OF SERVICE

I, Felicia A. Tiller, hereby certify that, on this 31st day of October, 1996, a copy of the foregoing Opposition to Petition for Reconsideration was mailed, fist-class postage prepaid, to:

Carl R. Ramey, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Counsel for Pearl Broadcasting, Inc.

and was hand delivered to:

Ms. Leslie K. Shapiro
Federal Communications Commission
Room 564
2000 M Street, N.W.
Washington, D.C. 20554



Felicia A. Tiller

TRL Broadcasting Company
Opposition to Petition for Reconsideration
and Motion for Stay
May 8, 1998

EXHIBIT 7

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

1001311996

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 90-318
Table of Allotments,) RM-7311
FM Broadcast Stations.) RM-7516
(Chillicothe, Forest, Lima,)
New Washington, Peebles, and)
Reynoldsburg, Ohio))

To: The Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

DOCKET FILE COPY DUPLICATE

OPPOSITION TO PETITION FOR RECONSIDERATION

North American Broadcasting, Co., licensee of Stations WMNI/WBZX, Columbus, Ohio, WCLT Radio Incorporated, licensee of Stations WCLT(AM)-FM, Newark, Ohio, Franklin Communications, Inc., licensee of Stations WVKO/WSNY, Columbus, Ohio, Horrance Broadcasting, Inc., licensee of Station WJZA(FM), Columbus, Ohio and Knox Broadcasting Corp., licensee of Station WQIO(FM), Mt. Vernon, Ohio, (collectively, "Opposers"), jointly oppose the petition for reconsideration filed on September 27, 1996 with the Federal Communications Commission ("FCC" or "Commission") by Pearl Broadcasting, Inc. ("Pearl"), licensee of Station WKKJ(FM), Channel 227B, Chillicothe, Ohio. Pearl seeks reconsideration of the Order of the Chief, Allocations Branch ("Branch"), DA 96-1331, released August 20, 1996 (published on August 28, 1996 in 61 Fed. Reg. 44288-89) denying Pearl's request to change Station WKKJ's community of license from Chillicothe, Ohio to Reynoldsburg, Ohio. A copy of Order is included as Attachment A hereto. Contrary to the unsupported conclusions of Pearl in its petition, the Branch's

decision is clearly correct and should not be reconsidered.¹

PROCEDURAL BACKGROUND

The history of this proceeding is set forth at ¶ 1 and related footnotes thereto of the *Order*, slip op. at 1-2. As pertinent herein, Pearl seeks a waiver of the Commission's allotment policies in order to relocate Station WKKJ(FM), Channel 227B, from Chillicothe, Ohio to Reynoldsburg, Ohio. Certain of the Opposers filed Reply Comments, opposing the proposed relocation.² As referenced above, the Branch issued an *Order* denying Pearl's request, concluding that its proposal is a significant detriment to the public interest. *Order*, supra, slip op. at 7 (¶ 16).

In its petition for reconsideration, Pearl offers no new evidence to support its proposal to change its community of license from Chillicothe to Reynoldsburg. Nor does Pearl argue that the Commission failed to consider all of the arguments previously made by it in support of its proposal. Incredibly, Pearl does not challenge the specific determinations reached by the Branch in the

¹ The instant opposition is timely filed. The notice of the filing of Pearl's petition for reconsideration was published in the *Federal Register* on October 16, 1996 (61 Fed. Reg. 53922-23) and in accordance with 47 C.F.R. § 1.4(b)(1), an opposition to the instant petition is due on or before October 31, 1996.

² Inasmuch as Pearl has failed to raise any matters for which reconsideration is appropriate, Opposers do not intend to repeat the substance of the Reply Comments previously submitted by certain of the Opposers herein as well as the Reply Comments of Great American Television and Radio Company, Inc. (Great American), opposing the arguments advanced by Pearl in its earlier Comments and related filings in this docket. Suffice it to say, however, that Opposers continue to rely on the previous filings of Opposer and Great American in this docket and Opposers fully support the Branch's decision herein.

Order which resulted in the denial of Pearl's proposal. Rather Pearl merely argues that the Branch's Order did not appropriately consider the purported improvements in radio service which in Pearl's view would result from the relocation of its station to Reynoldsburg. Petition, p. 4. Indeed, as an apparent substitute for such support, Pearl merely states "that the unique opportunity to reduce the potential for interference with [Station] WAKW, initiate a first local transmission service, and introduce a new service to a substantial audience enhances the Commission's allotment priorities, and thus warrants reconsideration." *Id.* Not surprisingly, no Commission precedent or policy is cited by Pearl in support of its self-serving, conclusory statement.

ARGUMENT

Pearl's Petition for Reconsideration is simply a rehash of arguments previously considered by the Branch and must therefore be denied.

As stated above, Pearl's petition provides absolutely no basis for the Branch to reconsider its earlier Order. Pearl's petition merely repeats arguments it previously advanced to the Branch which were fully considered.³ Reconsideration is not appropriate and will not be granted for the purpose of rehashing arguments

³ It appears the only basis for the filing of the instant petition is an attempt by Pearl to delay a final resolution of its defective proposal in the hope that the Commission will favorably act on the application for review filed by Emerald Broadcasting of the South, Inc., in *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Eatonton and Sandy Springs, Georgia, Anniston and Lineville, Alabama)*, MM Docket No. 89-585 (application for review pending since November 25, 1991), and that such potential favorable action would provide the requisite support for Pearl in the instant proceeding.

previously considered. In the Matter of The Simplification of the Licensing and Call Sign Assignment Systems for Stations in the Amateur Radio Service, 87 F.C.C.2d 501, 505 (1981), citing, W.W.I.Z., Inc., 37 FCC 685, 686, 3 R.R.2d 316, 317 (1964), aff'd sub nom., Lorain Journal Co. v. FCC, 351 F.2d 824 (D.C. Cir. 1965), cert. denied, 383 U.S. 967 (1966) ("[t]he Commission will not grant reconsideration 'merely for the purpose of again debating matters on which [it] has once deliberated and spoken.'").

Pearl devotes more than half of its brief petition summarizing the substance of the Comments and Counterproposal ("Comments") it previously submitted in this proceeding on August 20, 1990, matters fully addressed by the Branch in its Order. Only in one paragraph, at page 4, does Pearl even allude to the primary and dispositive reason the Commission denied Pearl's request to change its community of license, i.e., its proposal creates new interference involving approximately 1,470 people, within a 21 square kilometer area." See Order, *supra*, slip op. at 6 (¶ 13). Pearl totally ignores this determination, merely re-arguing that its proposal "promotes the Commission's allotment priorities by 1) allocating the first local transmission service to the City of Reynoldsburg; 2) increasing the population served by WKKJ by more than 1,000,000; and 3) reducing the potential for interference caused by the short spacing between WKKJ and WAKW(FM), Cincinnati, Ohio" (petition, p. 1), and thus warrants reconsideration. Petition, p. 4.

As apparent support of its re-arguments, Pearl continues to rely upon *Newnan and Peachtree City, Georgia*, 5 FCC Rcd. 1774 (MM

Bur. 1990) (allocation granted, 7 FCC Rcd. 6307 (Policy and Rules Div. 1992)). Pearl persists in this apparent reliance notwithstanding the Branch's clear recognition (ignored by Pearl) that *Newnan* and the *Notice of Proposed Rulemaking* adopted in *East Los Angeles and Long Beach, California*, 5 FCC Rcd. 956 (MM Bur. 1990), also previously relied upon Pearl in its Comments, were adopted and granted on the grounds that no new interference was created. *Order, supra, slip op.* at 6 (¶ 14). While the Branch acknowledged that it may be an appropriate adjunct to recognize the reduction of existing short-spacings to proposed changes in a station's community of license (an element of the *Newnan/East Los Angeles* decisions which Pearl subscribes), the Branch also correctly concluded that the Commission has expressly recognized that it would not be appropriate to do so where new interference is created (a critical element of the *Newnan/East Los Angeles* decisions which Pearl purposely ignores). The Branch held: "[i]n fact, the Newnan decision, citing Eatonton, supra, states that we will consider waiving strict application of Section 73.207 in limited circumstances, provided that no new short-spacings are created, no existing short-spacings are exacerbated, and the potential for interference between the currently short spaced stations is not increased" (emphasis added)." *Id.*

Pearl does not dispute that new short-spacing has been created ("the Commission denied the request for waiver due, *simply* to 'the creation of a new area and population' potentially receiving interference (emphasis added)" (petition, p. 4)). Pearl, instead

implies that the Branch should *simply* ignore long-standing Commission precedent prohibiting the creation of new short-spacing -- precedent upon which Pearl continues to rely -- and reconsider Pearl's proposal. Pearl urges the Branch to view its proposal as one in which "the unique opportunity to reduce the potential for interference with WAKW, initiate a first local transmission service, and introduce a new service to a substantial audience enhances the Commission's allotment priorities, . . . [thereby] warran[ting] reconsideration." Petition, p. 4. Unfortunately for Pearl, such decisions are not made based upon a self-serving compilation of allotment policies Pearl again requests the Commission to consider in support of its proposal, nor are such decisions made by expressly excluding (as Pearl's petition appears to advocate) an allotment policy absolutely fatal to its proposal.

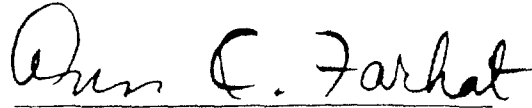
RELIEF REQUESTED

Having provided absolutely no basis or precedent to support its "cherry-picking" approach to the Commission's long-standing allotment policies which the Branch is not permitted to *simply* ignore, Pearl has failed to demonstrate that the Branch's denial of Pearl's request to change its community of license from Chillicothe, Ohio to Reynoldsburg, Ohio was incorrect. Moreover, its petition consists of a rehashing of arguments which the Branch

- 7 -

has previously considered. Accordingly, Pearl's Petition for Reconsideration should be denied.

Respectfully submitted,

A handwritten signature in cursive script, reading "Ann C. Farhat".

Ann C. Farhat

Bechtel & Cole Chartered
1901 L Street, N.W.
Suite 250
Washington, D.C. 20036
202/833-4190

On behalf of North American
Broadcasting, Co. /
WCLT Radio Incorporated
Franklin Communications, Inc.
Horrance Broadcasting, Inc.
Knox Broadcasting Corp.

October 31, 1996

Attachment 1

CERTIFICATE OF SERVICE

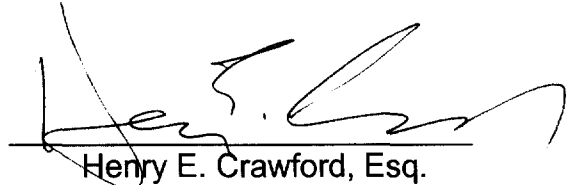
I, Henry E. Crawford, Esq., do hereby certify that copies of the foregoing Opposition to Petition for Reconsideration and Motion for Stay have been served by United States mail, postage prepaid this 8th day of May, 1998 upon the following:

*John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W., 5th Floor
Washington, D.C. 20554

*Pamela Blumenthal
Allocations Branch, Mass Media Bureau
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*Carl R. Ramey, Esq.
John M. Burgett, Esq.
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1776 K Street, N.W.
Washington, D.C. 20036
Counsel for Guaranty Broadcasting
Corporation

*Hand Delivered



Henry E. Crawford, Esq.